



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,105	01/11/2005	Akiko Yuasa	MAT-8647US	7061
23122	7590	11/15/2006	EXAMINER	
RATNERPRESTIA			HANSEN, JAMES ORVILLE	
P O BOX 980			ART UNIT	PAPER NUMBER
VALLEY FORGE, PA 19482-0980			3637	

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/521,105	Applicant(s) YUASA, AKIKO	
	Examiner James O. Hansen	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-20 is/are pending in the application.
4a) Of the above claim(s) 1-15 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claims 1-15 & 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on September 21, 2006. It is noted that newly added claim 20 is deemed to read on the non-election invention of "A method for recycling thermal insulation material".

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "A refrigerator containing thermal insulation material and a discriminating means" for example.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16 & 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishimoto [U.S. Patent No. 5,989,371] in view of Embutsu et al., [U.S. Patent No. 5,699,525]. Nishimoto (figures 1-11) teaches of a refrigerator (fig. 8) containing thermal insulation material (figs. 1 & 7 e.g.,) that is formed of vacuum insulation

Art Unit: 3637

material having inorganic material ((5) - see col. 3, lines 60-67 & col. 7, lines 1-6) as a core material and of rigid urethane foam (6). Nishimoto teaches applicant's inventive claimed structure as disclosed above, but does not further include a discriminating means associated with the refrigerator as prescribed by applicant. Embutsu (figures 1-8) is cited as an evidence reference to show that it was known in the art to utilize a discriminating means in association with an appliance, such as a refrigerator.

Embutsu teaches of a discriminating means (col. 6, lines 16-33) in the form of an optically readable identification code label that is placed on a home appliance wherein the label allows a bar code reader the ability to accurately assess information directly related to the appliance and to distinguish the appliance as a recycling-promoting appliance. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add a discriminating means to the refrigerator of Nishimoto in view of the teachings as set forth in Embutsu because this arrangement would enable a more prudent means for disposal of a discarded home appliance that is environmentally friendly since the addition of a bar code label on the appliance allows the appliance to be scanned so as to obtain information related to the appliance i.e., kind or type, so as to determine the proper method of recycling the appliance.

5. Claims 16 & 18-19 are rejected under 35 U.S.C. 103(a) as being obvious over Nishimoto and Uekado et al., [U.S. Publication 2001/0036976] in view of each other.

The applied reference [Uekado] has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention

Art Unit: 3637

disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

6. Nishimoto (figures 1-11) teaches of a refrigerator (fig. 8) containing thermal insulation material (figs. 1 & 7 e.g.,) that is formed of vacuum insulation material having inorganic material ((5) - see col. 3, lines 60-67 & col. 7, lines 1-6) as a core material and of rigid urethane foam (6). Nishimoto teaches applicant's inventive claimed structure as disclosed above, but does not further include a discriminating means associated with the refrigerator as prescribed by applicant. Uekado is cited to show that it was known in the art to utilize a discriminating means in association with an appliance, such as a refrigerator. Uekado teaches of a discriminating means in the form of display labels that are placed on the refrigerator to indicate information directly related to the appliance such as the materials of the rigid foam. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add a discriminating means to the refrigerator of Nishimoto in view of the teachings as set forth in Uekado because this

arrangement would enable a more prudent means for disposal of a discarded home appliance that is environmentally friendly since the addition of a label on the appliance allows the appliance to be scanned so as to obtain information related to the appliance, such as the materials of the insulation used in the appliance, so as to determine the proper method of recycling the appliance.

7. Uekado (figures 1-19) teaches of a refrigerator (fig. 9 e.g.,) containing thermal insulation material (fig. 3 e.g.,) that is formed of vacuum insulation material having rigid urethane foam as a core material, and a discriminating means (18 e.g.,) for recording information about the contents of the refrigerator. Uekado teaches applicant's inventive claimed structure as disclosed above, but does not show the insulation material as having both a rigid urethane foam and an inorganic material. Nishimoto teaches the use of an insulation material having inorganic material ((5) - see col. 3, lines 60-67 & col. 7, lines 1-6) as a core material and of rigid urethane foam (6). Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the insulation material of Uekado so as to incorporate an inorganic material along with the urethane foam as taught by Nishimoto because this arrangement would provide the appliance of Uekado with an insulation material that has an enhanced ability to reflect heat due to the addition of the inorganic filler.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. NPL document "Climate safe refrigerator label adopted by EC",

Art Unit: 3637

Gaugler et al., Gaugler, Uekado et al., '555, Nowobilski et al., and JP11-81511 describe insulation materials for refrigerators.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
November 9, 2006